

PCA 74-5-158-03 – DRW, INC. (Mason District)

Decision Only During Commission Matters
(Public Hearing held on March 9, 2016)

Commissioner Strandlie: Thank you, Mr. Chairman. I'd like to call the applicant up and, also, there have been significant changes and refinements since our Planning Commission hearing on March 9. And I'd like to call on Kelly Atkinson from the staff to go over these refinements.

Kelly Atkinson, Zoning Evaluation Division, Department of Planning and Zoning: Thank you, Commissioner Strandlie. I'm Kelly Atkinson with the Department of Planning and Zoning. On March 9, 2016, a public hearing was held in regards to the proposed redevelopment of the subject property known as Monticello Mews, Section Two, Phase Two, with 99 single-family homes. The decision for this hearing was deferred for one week to address minor proffer revisions and provide additional details regarding the proposed building elevations and open space amenities. In response, the applicant has provided revised proffers dated March 15th, 2016, and an additional exhibit addressing these outstanding concerns. This information was distributed to you prior to this hearing and hard copies are provided tonight for your review. The highlights of these revisions include clarifying that restrictions and items noted in the initial sales documents, such as garage dimensions, use of the garage, stormwater management maintenance responsibilities, and prohibition against rooftop storage will be noted in the resale documents in addition to the initial sales documents. The interior dimensions of the garage have been noted, which will be suitable for an average-size family vehicle and an alcove will be provided, subject to final design. Per feedback from VDOT, the existing crosswalk will remain and the applicant has proffered to either a pedestrian-activated crosswalk or flashing warning signs, subject to VDOT approval. This crosswalk language has been further revised from the proffers dated March 15th and the proposed language was passed out to you tonight. The applicant has agreed to incorporate this change between Planning Commission and Board. Limiting the maximum height of any future retaining walls not currently shown on the GDP and providing an exhibit illustrating the proposed building elevations, which now include additional articulations such as shutters and architectural trim – which staff believes provide additional interest to the buildings. I'd be happy to answer any questions you may have. Thank you.

Vice Chairman de la Fe: Okay.

Commissioner Strandlie: Any questions?

Vice Chairman de la Fe: Go ahead.

Commissioner Strandlie: Thank you very much, Kelly. I think we're ready to move ahead. Mr. McGranahan, if you could come up and affirm that – the affidavit and the proffers?

John McGranahan, Jr., Applicant's Agent, Hunton & Williams, LLP: Yes, I don't think that I need to-

Vice Chairman de la Fe: You don't have to do the affidavit.

Mr. McGranahan: -reaffirm the affidavit.

Commissioner Strandlie: Sorry.

Mr. McGranahan: And with respect to the proffers, I do confirm the proffers that were distributed to you all and I just received the language about the pedestrian signal – well, at four o'clock today, I guess, by email. So that was one that – the concept is certainly something – now that I understand it, that makes sense. And we would need to incorporate between any decision by you all and the Board of Supervisors, but I've – I don't know – and I haven't discussed it with the client, but it's actually providing an option that would be cheaper than what they already agreed to do. So I don't think it's an issue, but the language – we'll work out with staff between any action you all would take and the Board of Supervisors. But otherwise, the proffers that have been circulated – we confirm that they are the final proffers.

Commissioner Strandlie: Okay. Thank you. And this was something that I thought was very important. There's the option – the – for the traffic signal – and if that were approved, there would be a signalized crosswalk. But if the traffic signal were not approved, it would just be a marking that you would not be able to see after dark so this option provides for a flashing crosswalk sign so that people will be able to see anyone who's in the crosswalk in the evening – dark conditions there. So-

Vice Chairman de la Fe: I can't recall. Are there any development conditions in this case at all?

Ms. Atkinson: No sir.

Vice Chairman de la Fe: Okay. Thank you.

Commissioner Hart: Mr. Chairman.

Vice Chairman de la Fe: Yes, Mr. Hart.

Commissioner Hart: I have one question. Is Proffer 7 resolved or is that going to be debated between now and the Board? I understood from Ms. Atkinson's memo we hadn't quite gotten closure on that.

Mr. McGranahan: Mr. Hart, I believe that one is resolved. It's the one that talks about the garages and the one thing that we added, in response to Commissioner Strandlie's suggestion, was that they're going to try in the final design to incorporate some sort of a – you can call it a recessed area or an alcove so that you can move the trash and recycling bins in even farther away from the car. That's the objective. We-

Commissioner Hart: Right. Right. And your – but yours said 6 to 12 inches and staff has in bold, "Please note that staff recommends this area be increased to 18 to 24 inches."

Mr. McGranahan: And the applicant wants to stick with 6 to 12 inches and this is why.

Commissioner Hart: That's my question. If we don't have-

Mr. McGranahan: Oh. Okay.

Commissioner Hart: Are we-

Mr. McGranahan: We're at 6 to 12 inches because we think it works without the recessed area. I think we have anywhere from two-and-a-half to three-and-a-half feet, depending on the size of the car. But I think it's a good idea that Commissioner Strandlie had that if you can inset those – and this is a minimum. We're trying to set a minimum here because we're trying to avoid an interpretation when we get to site plan. So if it could be bigger, it would be bigger, but that gives you an additional six inches to a foot on top of the two-and-a-half to three-and-a-half feet that we think is adequate.

Commissioner Flanagan: Mr. Chairman?

Mr. McGranahan: Mr. Flanagan.

Commissioner Flanagan: Just – if you could come back – I think what the Commission would like to know is going – is this going to be resolved before it gets to the Board of Supervisors?

Mr. McGranahan: I believe so, yes. But I – because we feel like we've got the right number in the current proffer that's in front of you. We're not – the units haven't been engineered and designed yet so if we were to go with the higher number that staff mentioned, there's a concern that you're going to begin impacting the interior space that hasn't been designed, which you might not be able to do. And then we'd be back here in front of you because we were only able to get 12 inches and not 18 inches and so we're erring on the conservative side. I have not discussed this with the Supervisor, but I – I mean I – we think it's a good idea that the Commissioner raised and that's what we've put in here.

Commissioner Strandlie: So last week, when we looked at the drawings, the trash can extended into the – the area where the car was and over the – the garage door opening is eight feet wide and it extended into that area. So, having measured trash cans today, the typical large trash can is 21 by 24. So adding an additional 12 inches does push that back into the area that would be within the opening, I believe.

Mr. McGranahan: The wall. Yeah. Yeah. And we also confirmed, when we discussed it, that the – the opening on these garages is – is the 9-foot opening-

Commissioner Flanagan: And-

Mr. McGranahan: -for the vehicle.

Commissioner Strandlie: Right. Did I say eight? Nine.

Mr. McGranahan: Yeah, you said eight, but that's – yeah.

Commissioner Flanagan: So the 24 inch that staff is recommending would actually completely-

Mr. McGranahan: Completely conceal.

Commissioner Flanagan: -recess the garbage container.

Commissioner Strandlie: Yes.

Mr. McGranahan: It will.

Commissioner Strandlie: The longer side on the trash can that I have – that had one of the large totes – you can turn them around in a different angle, but it measures 20 – 21 by 24 inches.

Commissioner Flanagan: The container would be totally out of the way with 24 inches, but not totally out of the way with 12 inches – but it wouldn't interfere with traffic – I mean, with the car getting into-

Commissioner Strandlie: I don't believe so. I mean, I think this is – this is a 12-inch change over where we were-

Mr. McGranahan: Oh yeah.

Commissioner Strandlie: -last – last week? But if – if Supervisor Gross in moving this forward thinks it needs to have a further indentation-

Mr. McGranahan: We'll be discussing it with her.

Commissioner Strandlie: You continue to work on that, but we have moved it 12 inches.

Mr. McGranahan: Yeah.

Commissioner Hart: Mr. Chairman?

Vice Chairman de la Fe: Let me remind you that we are on verbatim.

Commissioner Hart: I didn't realize that we were on the verbatim yet. I don't think that this is a denial issue, but staff is kind of making faces and I wondered if – if there's a response.

Ms. Atkinson: I'm trying to get a word in.

Commissioner Hart: Yeah. The concern that I had – I don't know whether it should be 12 inches or 24 inches. I do know that on those ones in Merrifield where they didn't fit at all – they were all outside – and I think we want the trashcans to fit in the garage, whatever it is. Ms. Atkinson, is there – you wrote the memo, I guess, that's got the bold sentence in it.

Ms. Atkinson: Yeah, we just wanted to point out that it was a recommendation from staff to increase the depth of the alcove area. I think we've talked ad nauseum last week about car sizes and this is really our attempt to ensure that you can get a car in the garage, you can adequately get around the – get around the car. There is no issues, like you mentioned, with the Merrifield

garages. It's a recommendation. Like you said, it's not a denial issue for us. It is something that we'd like the applicant to strongly consider between PC and Board.

Vice Chairman de la Fe: Anything else? Okay. It's yours.

Commissioner Strandlie: Okay. I'll go ahead and make the motion then. And I have a little background to go with this. Mr. Chairman, tonight we have before us a decision on the Monticello Mews development – the last portion of a two-section neighborhood that was zoned R-12 in 1976. Since the initial Mason District Land Use Committee meeting last fall through the March 9th Planning Commission public hearing and up until the meeting tonight – and a few minutes ago – the applicant has continued to work with the community, with Supervisor Gross, with staff, and with me to further refine the application and the proffers. Changes have been made to address our collective concerns, some of which were already included in the proffers in the March 2nd, 2016 addendum, but which have been further fine-tuned during this deferral period. To summarize the staff presentation, significant modifications and revisions include the following:

- Number one, the density was reduced from 108 to 102 and then finally to 99 units;
- Two, green space and amenities were added to where the three units were removed, adding even more buffering;
- Three, significant buffering was added along Edsall Road in front of the stormwater retention pond and this was a very significant concern and request from the community;
- A traffic light shall be installed by the applicant, pending approval from VDOT and if the traffic light is not approved by VDOT, a flashing crosswalk signal or flashing warning sign shall be provided by the applicant – again, pending approval from VDOT;
- There shall be specific language in covenant sales and resale materials requiring and notifying owners that garages must be used for the intended purposes of parking a car and no storage shall occur on potential roof decks;
- Further, the garage dimensions will be included in these materials and we have made sure that typical family vehicles, such as a minivan, an SUV – such as pilot or a CRV – and mid-sized sedan fits in the garages;
- The driveways will also be of sufficient length to ensure that parked cars do not block sidewalks;
- As a result of density reductions and reconfigurations, there will now be 79 visitor parking spaces for 99 units – I think the applicant has gone a good ways in addressing the parking concerns; and finally
- The applicant will provide a \$99,000 voluntary contribution toward Bren Mar Elementary.

A schools contribution was not required in this case because the application does not result in an increase in density. Schools contributions are only required when there is an increase in density and then the amount in the proffer is based on Fairfax County Public Schools' estimate of students generated by that density increase. Some members of the community requested interparcel access to Plaza 500, the neighboring commercial development. This was not included as it would cut through a Resource Protection Area and floodplain, require a bridge, and turn a private street into a public thoroughfare. This land use has a somewhat complicated history and to make this more clear, I would recommend referral to Page 1 of the January 20th, 2016 staff report for a description of the application. You'll be able to see how this application evolved over the years and you can run the numbers to see that this application is significantly under density allowed for this parcel. Responding to some community concerns, this case is not a rezoning. This is a Proffer Condition Amendment for an R-12 density originally granted in 1976, prior to the adoption of the current Comp Plan. Even so, the proposed density at 9.52 units per acre is very close to the current Comp Plan recommendation of 5 to 8 units per acre. Some have asked that we just say no to any development. That's not possible under Virginia law, as the applicant has the right to develop their property under legal guidelines and pursuant to previous zoning entitlements and this action – this application complies with that and staff has recommended approval. Indeed, this has been an excellent example of community-based land use planning. Mr. McGranahan and his colleagues have worked with staff, the Planning Commission, the District Supervisor, and they have listened to community concerns, as already discussed. We believe this application does significantly address community needs and concerns. On a separate but related note, in the future, however, this type of community-based planning may not be possible for applications filed after July 1st, as a result of the proffer legislation that was recently signed into law on March 8th. Finally, I would like to thank the staff, especially Kelly Atkinson and Kris Abrahamson for their outstanding work. I can't say – give enough compliments to Kelly on how thorough she has been on this application. I'd also like to thank the Mason District Land Use Committee, which recommended approval of the application, for their thoughtful input. And with that, I WILL MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 74-5-158-03, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED MARCH 15TH, 2016.

Commissioner Hedetniemi: Seconded.

Vice Chairman de la Fe: Seconded by Commissioner Hedetniemi. Is there any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

Commissioner Strandlie: I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE WAIVERS AND MODIFICATIONS PROVIDED UNDER A SEPARATE ATTACHMENT AND DATED MARCH 16TH, 2016 AND AS NOTED IN THE STAFF REPORT AND THE STAFF REPORT ADDENDUM.

Commissioner Hedetniemi: Seconded.

Vice Chairman de la Fe: Seconded by Commissioner Hedetniemi. Is there any discussion?
Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Anything else?

Commissioner Strandlie: Thank you very much.

Vice Chairman de la Fe: Thank you very much.

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(Each motion carried by a vote of 11-0. Commissioner Murphy was absent from the meeting.)

JLC